

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MONA DOBRICH, et al., :
 :
 Plaintiffs, :
 :
 v. : Civil Action No. 05-120-JJF
 :
 HARVEY L. WALLS, et al., :
 :
 Defendants. :

MEMORANDUM ORDER

On March 23, 2006, the Court held a Scheduling Conference in the above-captioned action. Discovery has not yet commenced in this case. Because the Court finds a factual record is necessary for the full and fair adjudication of the issues raised by the parties, the Court will deny Defendant Helms' Motion For Summary Judgment (D.I. 60) and deny as moot Plaintiffs' Motion To Continue Or Deny Helms' Motion For Summary Judgment (D.I. 63) and Defendant Helms' Motion To Strike Portions Of Plaintiffs' Reply Brief (D.I. 68) And Declaration (D.I. 69) For Failure To Comply With Local Rule 7.1.3 (D.I. 70).

Based on the submissions of the parties on various motions, including Helms' Motion For Summary Judgment (D.I. 60) and Plaintiffs' Motion To Continue Or Deny Helms' Motion For Summary Judgment (D.I. 63), the Court has determined it is appropriate to separate certain issues. In this regard, the issues will be divided into two categories: (1) the constitutionality of the

Indian River School Board's Prayer Policy as written and as applied (the "School Board Prayer issue"), and (2) all remaining issues (the "Remaining Issues"). To facilitate the efficient processing of the two categories, the Court will order separate discovery periods for each category in accordance with the procedures set forth in this Order.

NOW THEREFORE, IT IS HEREBY ORDERED that:

1. Defendant Helms' Motion For Summary Judgment (D.I. 60) is DENIED.

2. Plaintiffs' Motion To Continue Or Deny Helms' Motion For Summary Judgment (D.I. 63) is DENIED as moot.

3. Defendant Helms' Motion To Strike Portions Of Plaintiffs' Reply Brief (D.I. 68) And Declaration (D.I. 69) For Failure To Comply With Local Rule 7.1.3 is DENIED as moot.

4. The parties shall meet and confer and submit to the Court a Joint Proposed Scheduling Order for the discovery related to the School Board Prayer issue by **Friday, March 31, 2006** (subject to any extensions of time agreed to by the parties or ordered by the Court to resolve Defendant Helms' representation matter). The Joint Proposed Scheduling Order for the School Board Prayer issue shall provide for the completion of discovery on that issue within approximately 90 days from the date of this Memorandum Order. In addition, the Joint Proposed Scheduling

Order shall provide for the filing of issue dispositive motions on the School Board Prayer issue on July 21, 2006, with briefing of the Motions to be conducted in accordance with the Local Rules.

5. The parties shall meet and confer and submit to the Court a Joint Proposed Scheduling Order for the discovery related to the Remaining Issues by **Wednesday, April 19, 2006**. The Joint Proposed Scheduling Order for the Remaining Issues shall anticipate that trial will be held in May 2007 as required to adjudicate the Remaining Issues and the School Board Prayer Issue (or earlier, if agreed to by the parties), and shall include two discovery dispute conferences as discussed at the Scheduling Conference. The Court will also set a date for any case dispositive motions on the Remaining Issues when the final Scheduling Order on the Remaining Issues is entered.

March 24, 2006
Date

Joseph H. Tamm
UNITED STATES DISTRICT JUDGE